

#351  
BILL NO. Z-88-07-14

ZONING MAP ORDINANCE NO. Z-

14-88

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:


SECTION 1. That the area described as follows is  
hereby designated a P.O.D. (Professional Office) District  
under the terms of Chapter 33 of the Code of the City of  
Fort Wayne, Indiana of 1974:

Part of Richardville Reserve, West of the St. Mary's  
River, in Township 30 North, Range 12 East, Allen  
County, Indiana, more particularly described as  
follows, to wit:

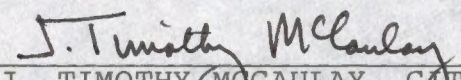
Beginning on the centerline of Winchester Road at a  
point situated 330.0 feet, N 05 degrees 46 minutes W  
(bearings in this description are based on the Indiana  
Department of Highways bearing for Baer Field Thruway)  
from the Northeast corner of Lake Shores, Section II,  
the plat of which is recorded in Plat Book 25, pages  
70-72 in the Office of the Recorder of Allen County,  
Indiana; thence N 05 degrees 46 minutes W, on and along  
said centerline, a distance of 556.75 feet to the point  
of intersection of said centerline with the Easterly  
right of way line of the Baer Field Thruway; thence S  
84 degrees 31 minutes 51 seconds W, on and along said  
Easterly right of way line, a distance of 172.91 feet;  
thence S 34 degrees 30 minutes 25 seconds W, continuing  
along said Easterly right of way line, a distance of  
629.25 feet; thence S 84 degrees 00 minutes E, a  
distance of 201.36 feet; thence S 86 degrees 30 minutes  
E, a distance of 175.0 feet; thence N 86 degrees 30  
minutes E, a distance of 210.0 feet to the point of  
beginning, containing 4.811 acres of land, subject to  
legal right of way for Winchester Road and subject to  
all easements of record.

and the symbols of the City of Fort Wayne Zoning Map No. L-  
23, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

  
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Read, seconded by Eng, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_, day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_, M., E.S.T.

DATE: 7-12-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stew, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>LONG</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-23-88

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ ~~(SPECIAL)~~ (ZONING MAP) ORDINANCE RESOLUTION NO. 2-14-88 on the 23rd day of August, 1988,

ATTEST:

SEAL

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of August, 1988, at the hour of 1:30 o'clock P. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 25th day of August, 1988, at the hour of 10:50 o'clock A. M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

RECEIPT

CHK# 1569.

No 2779

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 5-80 1988

RECEIVED FROM Z & N \$ 50.00

THE SUM OF fifty + 00/100 DOLLARS

ON ACCOUNT OF Preparing RB to F&D  
Winchester Rd.

Paul B  
AUTHORIZED SIGNATURE

# PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. \_\_\_\_\_

DATE FILED \_\_\_\_\_

INTENDED USE Planned Office Dev.

THIS IS TO BE FILED IN DUPLICATE

I/We Zohrab K. Tazian and Naomi C. Tazian, husband & wife  
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an P.O.D. District the property described as follows:

See attached description

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

Winchester Road

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>Zohrab K. Tazian</u>	<u>11224 Kings Crossing</u>	<u>Zohrab K. Tazian</u>
<u>Naomi C. Tazian</u>	<u>Fort Wayne, IN 46825</u>	<u>Naomi C. Tazian</u>
_____ (Name)	_____ (Address)	_____ (Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_  
(OFFICE USE ONLY)

## NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

<u>Zohrab K. Tazian</u>	<u>11224 Kings Crossing</u>	<u>(219) 424-3232</u>
_____ (Name)	_____ (Address & Zip Code)	_____ (Telephone Number)
	<u>Fort Wayne, IN 46825</u>	

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/ 427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

ZOHRAB K. TAZIAN, P.E. & L.S.  
JOHN C. SAUER, L.S.  
SAM L. FAUST, L.S.

zk

tazian

ASSOCIATES, INC.  
345 WEST WAYNE STREET  
SUITE 202  
FORT WAYNE, INDIANA 46802  
PHONES: 219/424-3232  
219/426-0003

CIVIL ENGINEERING  
SURVEYING  
LAND PLANNING

CERTIFICATE OF SURVEY

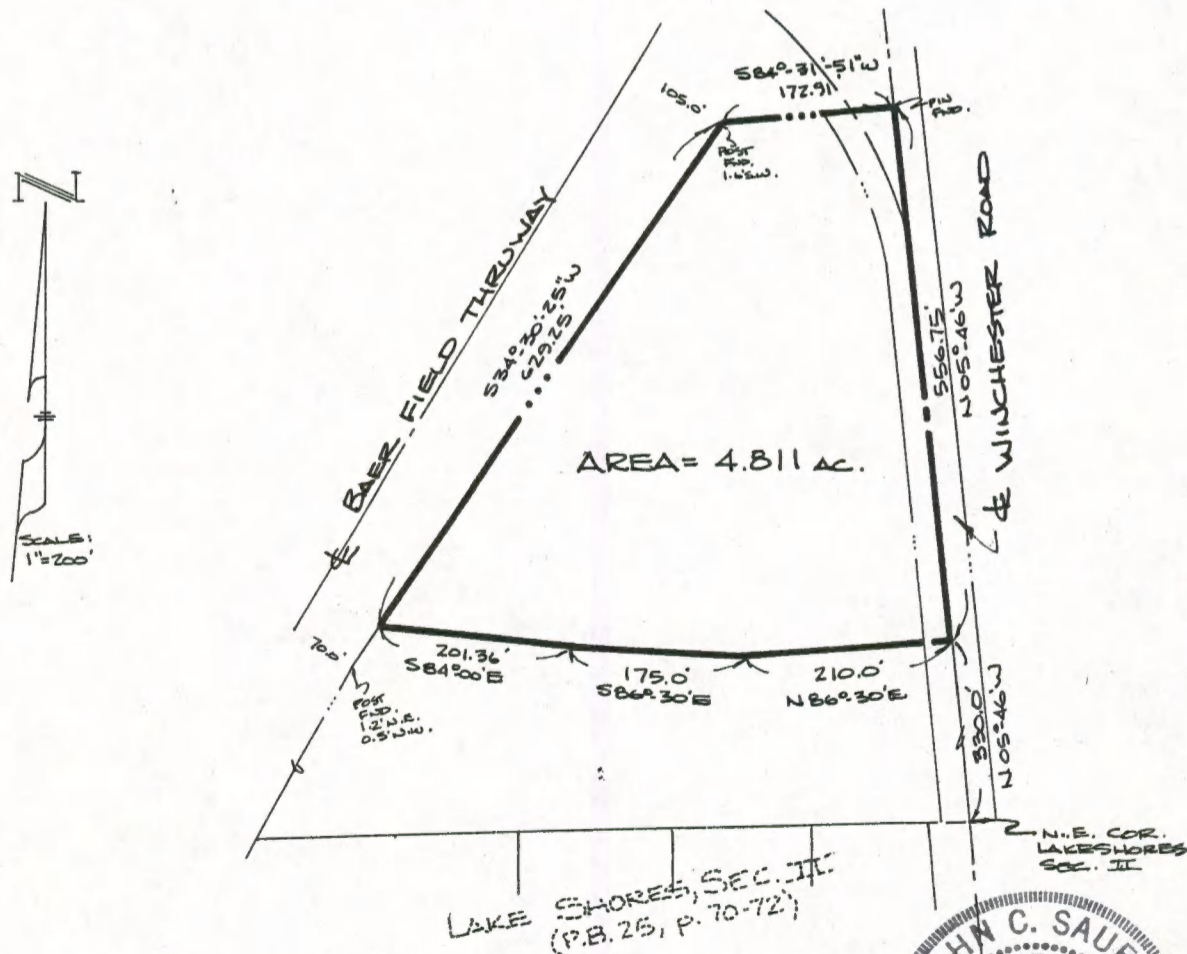
This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

Part of Richardville Reserve, West of the St. Mary's River, in Township 30 North, Range 12 East, Allen County, Indiana, more particularly described as follows, to wit:

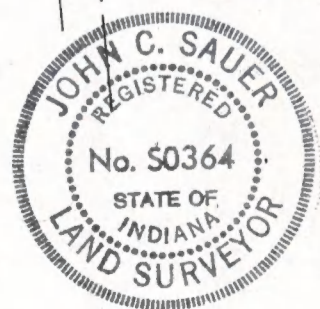
Beginning on the centerline of Winchester Road at a point situated 330.0 feet, N 05°-46' W (bearings in this description are based on the Indiana Department of Highways bearing for Baer Field Thruway) from the Northeast corner of Lake Shores, Section II, the plat of which is recorded in Plat Book 25, pages 70-72 in the Office of the Recorder of Allen County, Indiana; thence N 05°-46' W, on and along said centerline, a distance of 556.75 feet to the point of intersection of said centerline with the Easterly right-of-way line of the Baer Field Thruway; thence S 84°-31'-51" W, on and along said Easterly right-of-way line, a distance of 172.91 feet; thence S 34°-30'-25" W, continuing along said Easterly right-of-way line, a distance of 629.25 feet; thence S 84°-00' E, a distance of 201.36 feet; thence S 86°-30' E, a distance of 175.0 feet; thence N 86°-30' E, a distance of 210.0 feet to the point of beginning, containing 4.811 acres of land, subject to legal right-of-way for Winchester Road and subject to all easements of record.

This property is in Zone C according to Flood Insurance Rate Map 180003 0020 B, effective April 3, 1985.



I hereby certify on the 20 day of May, 19 88 that the above survey is correct.  
Surveyed for: Tazian  
Survey No.:

*[Handwritten signatures of John C. Sauer and Zohrab K. Tazian]*



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-14, and;

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

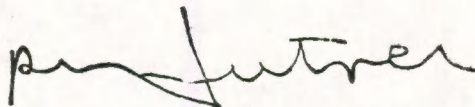
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this  
28th day of July 1988.



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Robert Hutner  
Secretary

# 351

ORIGINAL

DIGEST SHEET

ORIGINAL

TITLE OF ORDINANCE

Zoning Ordinance Amendment

2-88-07-14

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

10.2 acres of land lying between Winchester Road,

Baer Field Thruway and Aylesford Drive.

EFFECT OF PASSAGE

Property is presently zoned RB - Suburban Residential.

Property will become P.O.D. - Professional Office District.

EFFECT OF NON-PASSAGE

Property will remain RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

**FACT SHEET**

Z-88-07-14

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Zoning Ordinance Amendment

From RB to POD

**DETAILS****Specific Location and/or Address**

A 4.85 Acre parcel lying between Winchester Road, Baer Field Thruway & Alyesford Drive.

**Reason for Project**

Professional Office Development

**Discussion (Including relationship to other Council actions)**

18 July 1988 - Public Hearing

See Attached Minutes

25 July 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation. Motion carried.

Of the nine (9) members present eight (8) voted in favor of the motion one (1) did not vote.

NOTE: Conditions for development in a P.O.D. are placed on the development plan and not the rezoning. No building permits can be issued until all of the requirements of the development plan approval have been met.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**

Z.K. Tazian

City Department

Other

**Opponents****Groups or Individuals**

Basis of Opposition

**Staff  
Recommendation**

☒ For ☐ Against

Reason Against

**Board or  
Commission  
Recommendation****By**

☒ For ☐ Against

☐ No Action Taken

☐ For with revisions to conditions  
(See Details column for condition

**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**

☐ Pass ☐ Other

☐ Pass (as amended) ☐ Hold

☐ Council Sub. ☐ Do not pass

**DETAILS**

**POLICY/PROGRAM IMPACT**

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

**Project Start**

**Date** 20 May 1988

**Projected Completion or Occupancy**

**Date** 28 July 1988

**Fact Sheet Prepared by**

**Date** 28 July 1988

Patricia Biancaniello

**Reviewed by**

**Date** 8/3/88

*Gary Burt*  
**Reference or Case Number**

- a. Change of Zone #351  
From RB to POD  
A 4.85 Acre parcel lying between Winchester Road, Baer  
Field Thruway and Aylesford Drive.

Primary Development Plan for "Winchester Pointe Professional  
Center"

Z.K. Tazian, owner and developer, stated that this is a 10.2 acre parcel and they are requesting to change the zoning on only the northern 4.85 acres of land. He stated that they intend to construct an office complex consisting of 5 buildings, to be built as the need arises. He stated there will be 3-one story and 2-two story that will be served by city water and sewer and have a total gross floor area for all five buildings of 50,000 square feet. He stated that they are having 2-story buildings in order to have some variation in the style of the buildings. He stated that having spoken with the neighbors they have agreed that the use is a proper one for the area.

John Bowman, 912 Aylesford Drive stated that while they would prefer the area stay undeveloped they feel that the proposed use would be better than having a multi-family development in this location. He stated that while they are not opposed to the development they do have some concerns. He stated they are

Minutes

Public Hearing - City Plan Commission

18 July 1988

concerned about having adequate landscaping for this project. He stated that adjacent to this project Mr. Tazian has proposed a multi-family development and since the land is currently zoned for that use they do not have much control over that project. He stated that because of that they do hope there will be maximum landscaping required on the POD project both on Winchester Road and on the southern end of the POD. He stated they are also concerned over the 2-story buildings. He stated that they feel they will not be compatible with the residences in the area. He stated that in the original plans that were shown to the neighbors at the meeting all of the buildings were one story. He stated they were also concerned that the signage be minimal and that no large or illuminated signs be allowed in the development. He stated they had no particular traffic concerns so long as there is adequate provision made for deceleration lanes in front of the office complex.

Frank Burke, 6515 Winchester Road, stated he had spoken with Mr. Tazian and they had agreed on certain cosmetic changes to the plans that would be incorporated into the presentation tonight. He stated that if the plans were acceptable they would enter into an agreement that Mr. Tazian would develop the site per the new plans. He stated that since these changes have not been presented he requested the Commission defer their approval on the request until the acceptable changes have been made.

Jerry Wieterhold, 6930 River Haze Road, stated that he was not for or against the project but was concerned with the added traffic as well as whether or not this project would have adequate parking. He stated also that he to was shown plans where the buildings were to all be one story.

Ron Flohr, 6721 Winchester Road, stated he did not wish to speak against the project but wanted to be sure that Mr. Tazian meets all the requirements of the Plan Commission and builds complementary facility for the area.

Greg Spahiev, 6505 Winchester Road, stated that he to was told that he would be contacted and be able to look at the final plans prior to the public hearing. He stated that he was not contacted and that he would request that the Commission defer the request until the neighbors have seen the final plans.

In rebuttal Mr. Tazian stated that Mr. Burke and Mr. Spaheiv complaint is not about the POD but the duplex development. He stated that the staff does not require any landscaping along Winchester Road for the duplex development. He stated that he informed them that he would put in writing that he would

Minutes

Public Hearing - City Plan Commission

18 July 1988

landscape along Winchester Road. He stated that the duplexes built along Winchester would be built more aesthetically pleasing and be more compatible with the single family residences along Winchester Road. He stated there complaints are with regard to the duplex development and that issue has not been presented yet.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning and primary development plan.

*88-1*

BILL NO. Z-88-07-14

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the  
City of Fort Wayne Zoning Map No. R-14

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) \_\_\_\_\_

YES

NO

*Janet G. Bradbury*

JANET G. BRADBURY  
CHAIRPERSON

*Mark E. GiaQuinta*

MARK E. GIAQUINTA  
VICE CHAIRMAN

*Charles B. Redd*

CHARLES B. REDD

*David C. Long*

DAVID C. LONG

*Paul M. Burns*

PAUL M. BURNS

CONCURRED IN 8-23-88

*Sandra E. Kennedy*

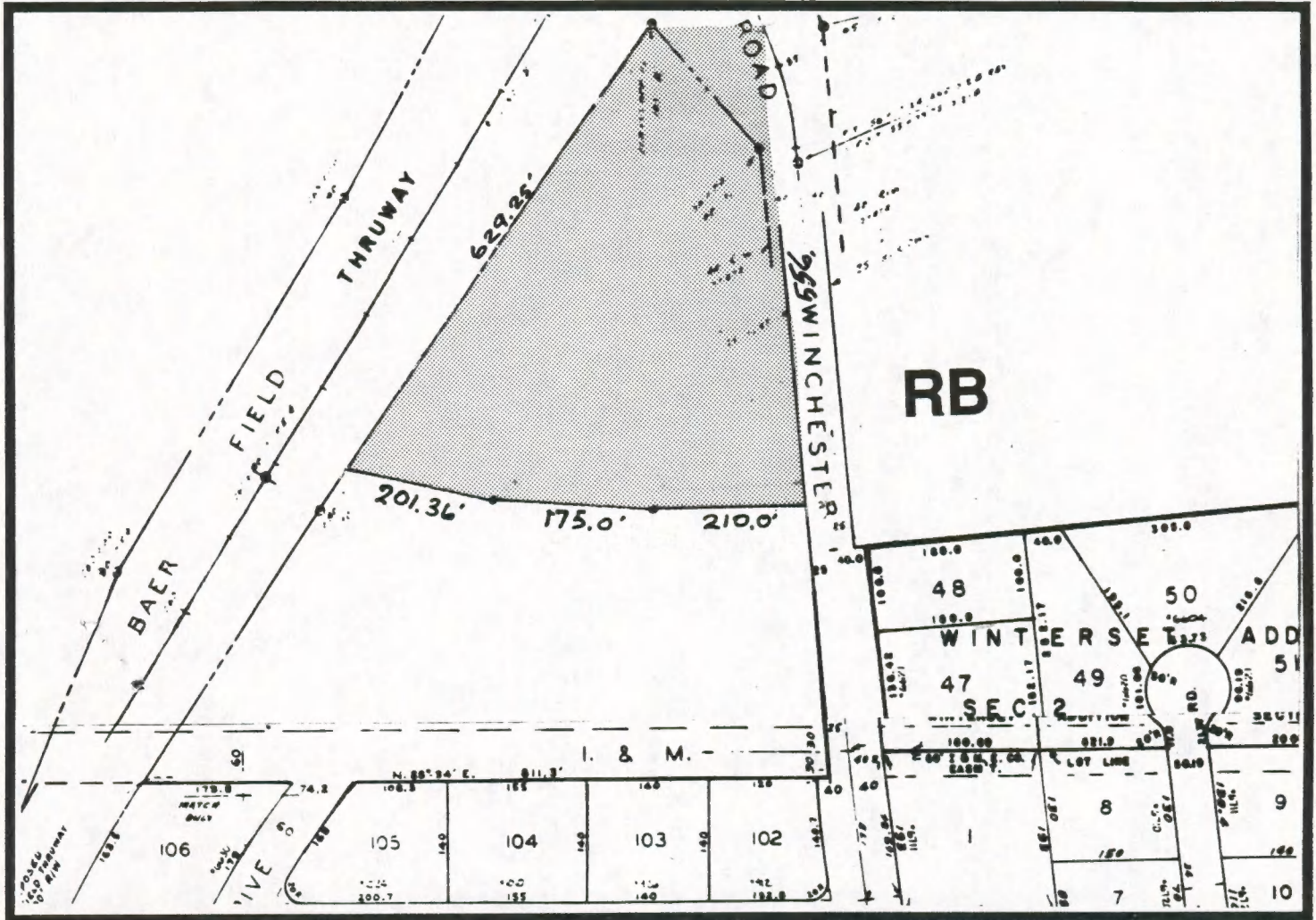
Sandra E. Kennedy  
City Clerk

# REZONING PETITION #351

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A RB DISTRICT TO A P.O.D. DISTRICT.

MAP NO. L - 23

COUNCILMANIC DISTRICT NO. 5



**ZONING:**

RB RESIDENCE "B"

**LAND USE:**

☐ SINGLE FAMILY



lw

**SCALE: 1" = 200'**

**DATE: 6-3-88**